UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

DEC 0 3 2014

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Jerry Schill, Vice President of Operations
Chemical Solvents, Inc.
3751 Jennings Road
Cleveland, Ohio 44109

Re: Notice of Violation
Chemical Solvents, Inc.
Cleveland, Ohio

Dear Mr. Schill:

The U.S. Environmental Protection Agency is issuing the enclosed Notice of Violation (NOV) to Chemical Solvents, Incorporated (you) under Section 113(a)(1) of the Clean Air Act, 42 U.S.C. § 7413(a)(1). For the reasons stated in the NOV, we find that you are violating and/or have violated the Ohio State Implementation Plan at your Cleveland, Ohio facility.

Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the NOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply and the steps you will take to prevent future violations. In addition, in order to make the conference more productive, we encourage you to submit to us information responsive to the NOV prior to the conference date.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Katharina Bellairs. You may call her at (312) 353-1669 to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,

George T. Czerniak
Director
Air and Radiation Division

cc: Bob Hodanbosi, Chief, Division of Air Pollution Control

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:	)	
	)	
Chemical Solvents, Inc.	)	**NOTICE OF VIOLATION**
Cleveland, Ohio	)	
	)	**EPA-5-15-OH-04**
Proceedings Pursuant to	)	
Section 113(a)(1) of the	)	
Clean Air Act, 42 U.S.C.	)	
§ 7413(a)(1)	)	

NOTICE OF VIOLATION

The U.S. Environmental Protection Agency (EPA) is issuing this Notice of Violation under Section 113(a)(1) of the Clean Air Act, 42 U.S.C. § 7413(a)(1). EPA finds that Chemical Solvents, Inc. (Chemical Solvents) is violating and/or has violated the Ohio State Implementation Plan (SIP), as follows:

Relevant Statutory and Regulatory Background

Ohio State Implementation Plan

1. OAC 3745-21-01(B)(16) defines "volatile organic compound" (VOC) generally as any organic compound which participates in atmospheric photochemical reactions.

2. On January 22, 2003, EPA approved OAC 3745-31-05 as part of the federally enforceable SIP for Ohio. 68 Fed. Reg. 2909.

3. OAC 3745-31-05(A) states "[t]he director shall issue a permit to install or plan approval, on the basis of the information appearing in the application, or information gathered by or furnished to the Ohio environmental protection agency, or both, if he determines that the installation or modification and operation of the air contaminant source... will: (3) Employ the best available technology, except when the only requirement to obtain a permit to install is due to a modification as described in paragraph (VV)(1)(b) of rule 3745-31-01 and paragraph (A)(2) of rule 3745-31-02 of the Administrative Code."

4. "Best available technology" is defined as "any combination of work practices, raw material specifications, throughput limitations, source design characteristics, an evaluation of annualized cost per ton of air pollutant removed, and air pollution control devices that have been previously demonstrated to the director of environmental protection to operate satisfactorily in this state or other states with similar air quality or substantially similar air pollution sources." OAC 3745-31-01(N) (approved by EPA as part of the federally enforceable SIP for Ohio on January 22, 2003 (68 Fed. Reg. 2909)).

5. OAC 3745-31-05(D) states that "[t]he director may impose such special terms and conditions as are appropriate or necessary to ensure compliance with the applicable laws and to ensure adequate protection of environmental quality. Special terms and conditions necessary to ensure compliance with requirements mandated by the federal Clean Air Act or regulations promulgated by the administrator thereunder, including synthetic minor emissions unit conditions that restrict the stationary source's potential to emit below major size cutoffs, shall be federally enforceable and designated as such in the permit to install."

6. On December 29, 1995, EPA approved OAC 3745-35-07(B) as part of the federally enforceable SIP for Ohio. 60 Fed. Reg. 55201.

7. OAC 3745-35-07(B) states that "[f]ederally enforceable limitations on the potential to emit of a source may be established through," among other things, "[t]erms and conditions of a final permit to install issued by the director under Chapter 3745-31 of the Administrative Code."

8. 40 C.F.R. § 52.23 allows EPA to take enforcement action under Section 113 of the Act, 42 U.S.C. § 7413, when a person fails to comply with any permit limitation or condition contained within a permit issued under a SIP-approved permit program.

FEPTIO Permit P0094783

9. After providing an opportunity for public comment, Ohio EPA issued a Federally Enforceable Permit to Install and Operate, P0094783, to Chemical Solvents on August 16, 2011 (the FEPTIO Permit).

10. Part C. of the FEPTIO Permit lists various requirements that apply to the Emission Units that are located at the physical addresses 1010 Old Denison Avenue, Cleveland, Ohio 44109 and 3751 Jennings Road, Cleveland, Ohio 44109 (the Facility).

11. Part C.1. of the FEPTIO Permit lists various requirements that apply to Emission Unit J001 – Solvent loading rack at Denison with a Vapor Recovery System and to Emission Unit J002 – Solvent loading rack at Jennings with a Vapor Recovery System.

12. Part C.1.b)(2)d. of the FEPTIO Permit requires all of the VOC emissions from Units J001 and J002 to be vented to a vapor recovery system (refrigerated chiller) that meets the operational, monitoring, and record keeping requirements of the FEPTIO Permit, when Units J001 and J002 are in operation. The overall control efficiency for VOC emissions from the vapor recovery system must be greater than 90 percent, by weight.

13. With respect to Units J001 and J002, Part C.1.c)(3) of the FEPTIO Permit requires Chemical Solvents to maintain an average temperature of the cooling liquid from the vapor recovery system, for any 3- hour block of time, at no more than 6 degrees Fahrenheit above the normal operating temperature of 55 degrees Fahrenheit.

14. With respect to Units J001 and J002, Part C.1.d)(4) of the FEPTIO Permit requires Chemical Solvents to "operate and maintain a continuous temperature monitor and electronic recorder which measures and records the temperature of the cooling liquid in the vapor recovery system when the emissions unit is in operation."

15. Part C.3. of the FEPTIO Permit lists various requirements that apply to Emission Units P001 – LUWA I, thin film evaporation unit (hot oil) for spent solvents, including double condensers with chilled water, and P002 – LUWA II, thin film evaporation unit (steam) for spent solvents, including double condensers with chilled water.

16. With respect to Units P001 and P002, Part C.3.b)(2)c. of the FEPTIO Permit requires all VOC emissions to be vented to a vapor recovery system that must meet the operational, monitoring, and record keeping requirements of the FEPTIO Permit, when one or more of the emissions units are in operation. Under Part 3.b)(2)c. of the FEPTIO Permit, the overall control efficiency for VOC emissions must be greater than 90 percent, by weight.

17. With respect to Units P001 and P002, Part C.3.b)(1)b. of the FEPTIO Permit provides that "OC emissions shall not exceed 40 lbs/day for each emissions unit or the permittee shall achieve an overall reduction of 85%, by weight, of the OCs for each emissions unit."

18. With respect to Units P001 and P002, Part C.3.c)(1) of the FEPTIO Permit requires Chemical Solvents to maintain the average temperature of the cooling liquid in the vapor recovery system (refrigerated chiller), for any 3-hour block of time, at more than 6 degrees Fahrenheit above the normal operating temperature of 55 degrees Fahrenheit.

19. With respect to Units P001 and P002, Part C.3.d)(2) of the FEPTIO Permit requires Chemical Solvents to "operate and maintain a continuous temperature monitor and electronic recorder which measures and records the temperature of the cooling liquid in the vapor recovery system when the emissions unit is in operation."

Findings of Fact

20. Chemical Solvents owns and operates an off-site waste and recovery operation permitted at 3751 Jennings Road, Cleveland, Ohio and 1010 Old Denison Road, Cleveland, Ohio (the Facility).

21. The Facility is located in Cuyahoga County, Ohio, which is currently in marginal non-attainment under the 2008 8-hour ozone standard. VOCs are a precursor for ozone formation.

22. The FEPTIO Permit includes terms and conditions designed to limit HAP and VOC emissions below Title V thresholds. These terms and conditions are federally enforceable pursuant to OAC 3745-31-05(D) and 3745-35-07(B) of the Ohio SIP.

23. In response to a November 27, 2013 CAA Section 114 Testing Request, Chemical Solvents performance tested on January 22 and 23, 2014 for xylene, acetone, toluene, and total organic compounds (TOC).

24. During the January 22 and 23, 2014 performance test, the Denison refrigerated chiller vapor recovery system achieved an average control efficiency of approximately 8 percent.

25. In response to EPA's November 27, 2013 Section 114 Information Request, Chemical Solvents provided graphs of the Denison refrigerated chiller water temperature from August 16, 2011 to January 2014, and graphs of the Jennings refrigerated chiller water temperature from March 5, 2013 to January 20, 2014.

26. According to a discussion between EPA and a Chemical Solvents representative during the January 22 and 23, 2014 EPA site visit, the Jennings refrigerated chiller did not have a temperature monitor and electronic recorder prior to March 5, 2013.

27. According to the temperature graphs provided by Chemical Solvents, the Jennings refrigerated chiller water temperature exceeded 61 degrees Fahrenheit for longer than 3 hours for a total of approximately 498 hours between March 5, 2013 and January 20, 2014. The table below lists each exceedance:

Date	Approximate Duration (Hours)	Max Temperature (F)
5/22/2014 - 5/23/2014	32	150+
8/1/2013	12	100+
8/3/2013 - 8/4/2013	12	100+
8/4/2013 - 8/6/2014	48	100+
8/22/2014	18	100+
8/26/2014 - 9/8/2014	312	65+
10/8/2014	10	100+
11/24/2014 - 11/25/2014	36	78
12/20/2013	18	102
Total	**498**	

28. According to the graphs provided by CSI, the Denison refrigerated chiller water temperature exceeded 61 degrees Fahrenheit for longer than 3 hours for a total of approximately 1139 hours since August 16, 2011. A table listing these exceedances can be found in Appendix A.

29. According to the temperature graphs provided by CSI, the Denison refrigerated chiller water temperature monitor did not operate during the following periods: June 25, 2010 to

September 15, 2010, January 1, 2011 to March 4, 2011, and January 27, 2012 to February 2, 2012.

Violations

30. Chemical Solvents has failed to maintain the average temperature of the cooling liquid at the Denison refrigerated chiller vapor recovery at below 61 degrees Fahrenheit for 1139 hours since August 16, 2011 in violation of Parts C.1.c)(3) and C.3.c)(1) of the FEPTIO Permit and the Ohio SIP.

31. Chemical Solvents has failed to maintain the average temperature of the cooling liquid at the Jennings refrigerated chiller vapor recovery at below 61 degrees Fahrenheit for 498 hours since March 5, 2013 in violation of Parts C.1.c)(3) and C.3.c)(1) of the FEPTIO Permit and the Ohio SIP.

32. Chemical Solvents failed to operate and maintain a continuous temperature monitor and recorder to measure and record the average temperature of the cooling liquid in the Jennings refrigerated chiller vapor recovery system from August 16, 2011 until March 4, 2013, in violation of Parts C.1.d)(3) and C.1.d)(4) of the FEPTIO Permit and the Ohio SIP.

33. Chemical Solvents has failed to maintain an overall control efficiency for VOC emissions at greater than 90 percent, by weight, at the Denison refrigerated chiller vapor recovery system, in violation of Parts C.1.b)(2)d, C.3.b)(1)b, and C.3.b)(2)c of the FEPTIO Permit and the Ohio SIP.

34. From January 27, 2012 until February 2, 2012, Chemical Solvents failed to operate and maintain a continuous temperature monitor and recorder to measure and record the average temperature of the cooling liquid in the Denison refrigerated chiller vapor recovery system during each of the eight 3-hour blocks of time during each day in violation of Parts C.1.d)(3), C.1.d)(4), C.3.d)(2), and C.3.d)(3) of the FEPTIO Permit and the Ohio SIP.

Environmental Impact of Violations

35. Chemical Solvents' above-referenced violations have caused, may and will cause excess emissions of HAP and VOC.

36. Excess HAP emissions can cause serious health effects, such as birth defects and cancer, and harmful environmental and ecological effects.

37. Excess VOC emissions can cause eye, nose, and throat irritation; headaches, loss of coordination, nausea; damage to liver, kidney, and central nervous system. Some organics can cause cancer in animals and some are suspected or known to cause cancer in humans.

38. VOC emissions are a precursor to ground-level ozone. Breathing ozone contributes to a variety of health problems including chest pain, coughing, throat irritation, and congestion. It can worsen bronchitis, emphysema, and asthma. Ground-level ozone also can reduce lung function and inflame lung tissue. Repeated exposure may permanently scar lung tissue.

12/31/14

Date

George T. Czerniak
Director
Air and Radiation Division

Appendix A

CSI Temperature Exceedances at the Denison Chiller: 8/16/2011-1/14/2014

Date	Approximate Duration (Hours)	Max Temperature (F)	Date	Approximate Duration (Hours)	Max Temperature (F)
1/3-1/5/2014	3	68	2/16/2012	6	68
1/8/14-1/11/2014	chiller down subzero temp		2/15/2012	6	64
9/20-9/21/2013	18	66	2/15/2012	6	80
9/14/2013	3	69	2/14-2/15/2012	5	65
9/12/2013	24	65	2/14/2012	6	66
5/31/2014	2	71	2/10/2012	5	64
5/22/2013	3	65	2/9/2012	8	63
5/2/2013	3	62	2/8/2012	6	62
4/24/2013	6	69	2/7/2012	6	75
11/20/2012	2	67.5	2/2/2012	3	66
10/29/2012	3	64	1/27-2/2/2012	no reading	
9/7-9/8/2012	3	64	1/25/2012	6	64
8/15/2012	3	64	1/24/2012	8	65
8/10/2012	3	64	1/23/2012	4	65
8/23-8/24/2012	3	64	1/20/2012	4	64
8/7/2012	4	75	1/19/2012	6	68
8/3/2012	6	72	1/18/2012	6	72
8/2/2012	12	72	1/18/2012	5	74
7/31/2012	6	65	1/17/2012	3	65
7/12/2014	8	82	1/16/2012	4	64
7/26/2012	4	72	1/12/2012	6	66
7/26/2012	4	65	1/11/2012	4	64
7/24/2012	65	6	1/10/2012	6	67
7/19/2012	3	68	1/9/2012	4	74
7/19/2012	4	72	1/6/2012	18	62
7/14/2012	4	69	1/3-1/4/2012	20	64
7/12-7/13/2012	6	75	1/2/2012	24	65
7/11/2012	3	68	12/28/2011	6	64
7/11/2012	12	73	12/27/2011	12	68
7/10/2012	3	78	12/23/2011	3	68
7/10/2012	3	65	12/22/2011	4	68
7/9/2012	12	74.5	12/21/2011	18	64
7/6/2012	4	70.5	12/20-12/21/2011	22	66
7/5/2012	5	83	12/19/2011	20	64

7/5/2012	3	70	12/16/2011	6	68
7/2/2012	2	71	12/15/2011	4	64
3/29/2014	6	80.5	12/14/2011	24	65
4/2/2012	4	61	11/1/2011	4	78
3/30/2012	6	67	10/31/2011	3	61.5
3/29/2012	4	64	10/27/2011	6	71
3/28/2012	4	63	10/26/2011	6	71
3/27/2012	8	66	10/25/2011	6	72
3/26/2012	12	66	10/21/2011	8	74
3/24/2012	6	70	10/20/2011	18	64
3/23/2012	5	70.5	10/18/2011	4	64
3/22/2012	6	94	10/17/2011	4	64
3/15/2012	4	63	10/14/2011	4	64
3/15/2012	5	71	10/14/2011	6	66
3/14/2012	12	72	10/13/2011	3	64
3/13/2012	18	73	10/11/2011	6	64
3/12/2012	4	64	10/10/2011	3	63
3/10-3/12/2012	50	100+	10/6/2011	5	72
3/10/2012	3	72	10/4/2011	12	66
3/9/2012	6	64	10/3/2011	3	63
3/8/2012	12	76	9/30/2011	8	64
3/7/2012	18	65	9/27/2011	8	64
3/6/2012	8	63	9/27/2011	4	64
3/3/2012	22	91	9/26/2011	8	64
2/29-3/1/2012	24	100	9/24/2011	6	64
2/29/2012	6	81	9/21/2011	6	64
2/28/2012	3	64	9/19/2011	4	64
2/28/2012	3	66	9/9/2011	4	63
2/27/2012	3	61	9/8/2011	4	63
2/25-2/27/2012	48	100	8/30/2011	4	64
2/24/2012	6	72	8/29/2011	8	62
2/23/2012	4	65	8/29/2011	6	63
2/22/2012	4	62	8/27/2011	5	63
2/21/2012	5	68	8/25/2011	12	66
2/20/2012	18	64	8/19/2011	12	63
2/17/2012	24	64	8/17/2011	8	70
2/16/2012	4	63	Total Hours:	1139	

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Notice of Violation, No. EPA-5-15-OH-04, by Certified Mail, Return Receipt Requested, to:

Jerry Schill, Vice President of Operations
Chemical Solvents, Incorporated
3751 Jennings Road
Cleveland, OH 44109

Anthony Dattilo, EnviroMatrix
Chemical Solvents, Incorporated
3751 Jennings Road
Cleveland, OH 44109

I also certify that I sent copies of the Notice of Violation by first-class mail to:

Bob Hodanbosi
Chief, Division of Air Pollution Control
Ohio Environmental Protection Agency
1800 WaterMark Drive
Columbus, Ohio 43266-1049

On the 4th day of December 2014.

Kathy Jones

for Loretta Shaffer
Administrative Assistant
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7011 1150 000 2640 5748